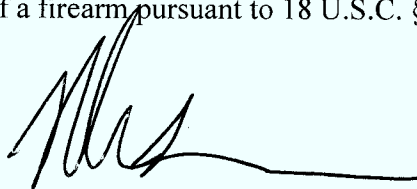# ATTACHMENT A

STIPULATION OF FACTS

The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

From at least December 2018 through February 2019, the Defendant, **MICHAEL BAILEY**, would regularly travel to Baltimore, Maryland to purchase heroin cut with fentanyl from the Gregory Butler Drug Trafficking Organization (the "DTO"). **BAILEY** would then transport the heroin to West Virginia. Over this period of time, **BAILEY** purchased over 80 grams of heroin cut with fentanyl from the DTO, as evidenced by court-authorized wiretap interceptions.

On or about January 16, 2019, **BAILEY** arranged to sell the DTO a handgun equipped with a laser sight, in exchange for a quantity heroin. The firearm was a Walther P22 pistol bearing serial number WA006344. **BAILEY** stole the firearm from a relative and transported it from West Virginia to Baltimore, Maryland. Furthermore, the firearm was manufactured outside the state of Maryland and therefore, the firearm traveled in and affected interstate commerce prior to **BAILEY'S** possession of the firearm.

Prior to January 16, 2019, **BAILEY** had knowingly been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, and his civil rights had not been restored. **BAILEY** then sold the firearm to a member of the DTO in exchange for a quantity of heroin cut with fentanyl, a felony offense. FBI investigators later recovered the firearm from a member of the DTO. The firearm was capable of expelling a projectile by the action of an explosive, thereby meeting the definition of a firearm pursuant to 18 U.S.C. § 921(a)(3).

SO STIPULATED:

_____
Matthew DellaBetta
Michael Goldsticker
Assistant United States Attorneys

DATED:

_____
Michael Bailey
Defendant

_____
Frank Brocato, Esq.
Counsel for Defendant